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# FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

## HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

## Internally displaced persons

## Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1996/52

## Addendum

## Profiles in displacement: Mozambique

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## Introduction

1. One of Africa's largest displacements of population caused by armed conflict, compounded by drought, took place in Mozambique from 1977 to 1992. The massive displacement was strongly affected by the means and strategies of warfare which were adopted by the two main protagonists, in particular those of the Resistência National Mocambicana (RENAMO), the armed opposition. It has been estimated that between 900,000 and 1 million people were killed during the conflict, which was characterized by direct attacks and use of terror against civilians, forced labour, forcible conscription of child soldiers, practices of forced relocation, extensive use of landmines and widespread destruction. This resulted in the collapse of the country's infrastructure and seriously disrupted the social fabric of society. Out of a population of an estimated 16 million, the fighting led to the exile of more than 1.7 million persons into neighbouring States and the internal displacement, throughout the country, of between 3.5 and 4.5 million civilians. 1/

2. After extensive and difficult negotiations, the parties were eventually able to agree on a comprehensive and detailed framework to achieve peace. In the light of mutual suspicions and the weak administrative, social and economic environment, the implementation of the peace agreement was a complex and fragile process, which required a continuous commitment on the part of the signatories and the extensive support of the international community. The United Nations was considered by the two parties concerned to be the most appropriate organization to facilitate this objective and was thus given a central role in coordinating and implementing activities towards this end. The peace process culminated in the holding of general elections in October 1994. By that time, the majority of the displaced had returned, disarmament and demobilization had been achieved and the insurgency movement had been transformed into a political party. Humanitarian assistance constituted an integral part of the peace agreement and it contributed substantially to the overall peace process, among other things by building up working relationships and trust between the parties. However, its successful delivery was linked to progress in the other areas of the framework.

3. Once the displaced population had gained confidence in the prospects for a durable peace, a massive return to the devastated rural areas soon began. The internally displaced were often the first to return and largely had to rely on their own means, without assistance in transport or resettlement. However, the peace agreement also provided an increased opportunity for the international community to provide resettlement and reintegration assistance, services which were essential for the reconstruction process. After the transition phase, the main challenges of the Government and the international community have been to consolidate democracy and to promote economic and social reconstruction towards sustainable development, thereby ensuring a durable reintegration of the displaced.

4. The Representative of the Secretary-General on internally displaced persons visited Mozambique from 21 November to 3 December 1996. Given the fact that Mozambique had experienced displacement in all its aspects, and that the return process had, overall, been described as a success, the Representative considered that a visit could provide useful insights into the

problems of displacement and on ways of addressing them constructively. More specifically, the purpose of the mission was to examine the needs of the internally displaced during the different stages of displacement and the manner and extent to which these needs were met, both by the displaced themselves and by the various actors concerned with providing them with protection and assistance.

5. The Representative wishes to express his appreciation to the Government of Mozambique for having invited him to visit the country and for the candid and open attitude of his interlocutors.

6. During his mission, the Representative was received by President Joaquim Alberto Chissano, the Ministers of Foreign Affairs and Cooperation, the Interior, and State Administration, the Vice-Ministers of Justice and Social Affairs, and the Attorney General, as well as senior officials from the National Refugee Support Agency (Nucleo de Apoio aos Refugiados (NAR)), and the Department for the Prevention and Combat of Natural Calamities (DPCCN). He had meetings with representatives of United Nations programmes and agencies, including the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the World Food Programme (WFP) and the United Nations Children's Fund (UNICEF). He also had meetings with representatives of local and international organizations, including the International Organization for Migration (IOM), the International Monetary Fund and the World Bank, as well as with bilateral and multilateral donors, members of the diplomatic corps, representatives of the political parties FRELIMO and RENAMO, and members of the academic community. The Representative visited formerly displaced persons in Macharote, in the district of Dondo in Sofala province, and also visited host communities in Nicoadala and Namacurra, both located in Zambezia province, and the Magude district of Maputo province. The staff accompanying him on his mission also had the opportunity of meeting with a returnee community in the district of Moamba in Maputo province. During his visits to the provinces, the Representative was received by local government officials.

7. The general policy of the Representative in carrying out his mandate is based on the fundamental recognition that problems linked with internal displacement primarily fall within the national sovereignty of the State concerned. At the same time, it has become recognized that sovereignty carries with it responsibilities of protection and assistance from the State towards its own nationals. This combination of sovereignty and responsibility provides the framework for a cooperative approach in which Governments are expected to invite or at least accept international support if their own capacity to provide protection and assistance is limited. In this spirit, the Representative seeks to understand the problems of internal displacement in the country visited and make proposals for solutions. As has been reflected in his previous reports to the Commission on Human Rights and the General Assembly, internal displacement often reflects a deeper crisis affecting the larger society. Thus, while it is important to address the problems faced by internally displaced persons, the Representative sees that function as part of a larger mandate to explore the root causes of the conflict in a dialogue with the authorities and then seek durable solutions.

In addition, he considers it important to explore ways in which the international community can best assist the Government in the discharge of its responsibilities towards the internally displaced.

8. This report is divided into four parts. Section I contains an overview of the context in which internal displacement occurred in Mozambique, as well as initiatives taken by the international community to further the peace process through political negotiations, peace-keeping, and other activities to support social stability. Section II discusses patterns of displacement and the steps taken to protect and assist the displaced. Section III describes the conditions under which return took place and the efforts made to ensure a durable reintegration of the internally displaced, as well as present challenges. The report concludes with some observations and recommendations.

## I. THE CONTEXT

### A. Historical and socio-economic background

9. Mozambique is located on the eastern coast of southern Africa, bordering South Africa and Swaziland in the south-west, Zimbabwe in the west, Zambia and Malawi in the north-west and Tanzania in the north. With its long coast along the Indian Ocean, Mozambique provides a vital access to the sea for the land-locked countries on its western border. The large majority of the workforce is employed in the agricultural sector, most of whom live as subsistence farmers. Even before the war, Mozambique was among the world's poorest and least developed countries, and has been heavily dependent on foreign aid ever since.

10. The country is administratively divided into 10 provinces and has an estimated population of 16.5 million, with some 50 per cent concentrated in the northern coastal provinces of Cabo Delgado and Nampula, as well as Zambesia in the central part of Mozambique, areas which provide the best soil for agriculture. Traditional religions are followed by a majority of the population, although Islam has some influence in the north and some 25 per cent of the population are Christians. The population is made up of various ethnic groups with distinct languages and traditions, including the Chewas, Makondes, Makuas, Ndaus, Rongas and Shangaans, and also includes small European and Asian minorities. It should be noted that while ethnic and religious identities have not played a significant role in the conflict, there has been a feeling in the northern and central parts of the country that their economic and cultural interests have been neglected by the Government. To a certain extent, ethnicity and territory combine to define political identity and motivation.

11. Along with the Arab-dominated trade in gold, ivory and slaves, several important cities appeared along the coast of Mozambique during the ninth and tenth century. The Portuguese occupied Sofala in 1505 as the start of their takeover of this trade. Their control lasted until the seventeenth century, although some Portuguese interests continued in the Zambezi valley, in the form of small kingdoms which ruthlessly exploited the local population. Along with Arabic, French and British interests further north, the kingdoms also contributed to the slave trade, which became widespread in Mozambique during the nineteenth century.

12. To fulfil the requirements set by the colonial powers for colonizing Africa, it became necessary for Portugal to gain administrative and military control over the whole territory that it wanted to claim. This met with serious resistance from many indigenous groups, and the whole of Mozambique was not placed under Portuguese rule until 1920. As Portugal itself was weak and underdeveloped, it could initially only build up the colony by entrusting large areas to foreign companies, which carried out taxation and established tea, cotton and sugar plantations, including through various forms of forced labour. Colonial rule in Mozambique was thus harsher and more violent than in many other African countries and significantly contributed to the migration of Mozambican workers to mines and plantations in neighbouring States. This movement intensified as Portugal consolidated its control over the colony. As an important source of revenue, Portugal agreed with the administrations of South Africa and Rhodesia to provide tens of thousands of migrant workers to neighbouring countries to satisfy their growing need for labour. At the same time, little was done to improve the local population's living conditions, so health and education remained seriously neglected.

## B. Liberation war and independence

13. In line with the general trend towards independence across Africa, demands for national independence grew toward the end of the 1950s. Portugal not only ignored such demands, but continued to encourage increased settlement by Europeans. The first serious challenge to colonialism came in 1962, when the Frente de Libertaçao de Moçambique (FRELIMO) was created, as a grouping of several exile organizations. 2/ Once it became clear that Portugal was not going to accept a peaceful dismantling of its empire, FRELIMO launched a war of independence in September 1964. In the following years, FRELIMO succeeded in liberating and bringing under its administration large areas, particularly in the northern provinces. The leader of FRELIMO, Eduardo Mondlane, was killed by a bomb in 1969 and, during the year-long internal power struggle which followed, a radical faction consolidated its position, with Samora Machel as the new president of the movement.

14. Having resisted a major Portuguese offensive in 1971-1972 and opened new fronts in the central parts of the country, FRELIMO contributed to the collapse of Portugal's colonial wars, because Portugal was suffering similar setbacks in Angola and Guinea-Bissau. The war had become increasingly unpopular in Portugal, and following a military coup in that country in April 1974, the new Government of Portugal reached an agreement with FRELIMO on the modalities for independence. Portugal initially proposed a referendum on the question 3/ but when FRELIMO rejected the proposal, an agreement was reached in September 1974 on the establishment of a transitional government dominated by FRELIMO and with Mr. Joachim Chissano as Prime Minister. All political opposition was soon repressed, 4/ and the country eventually became independent on 25 June 1975, with Samora Machel as President.

15. In the post-colonial years, the Government initiated a number of programmes in the health, education and housing sectors to improve the standard of living. However, it soon became apparent that the new Government was facing serious economic, social and political challenges. Economically, the country suffered from the exodus of the large majority of its Portuguese inhabitants, who frequently destroyed their properties upon leaving. 5/ Given

the low level of education and the small number of qualified Mozambican personnel, the departure of the Portuguese created a serious lack of technicians and administrators in the country. Important sources of income from neighbouring countries also disappeared when Mozambique closed its border with Southern Rhodesia and joined United Nations sanctions against Ian Smith's regime, and when a reduction of migrant workers to South Africa's mines followed. Mozambique was also severely affected by floods in 1977 and 1978.

### C. Destabilization campaigns and civil war

16. Being strongly opposed to minority rule in Southern Rhodesia and South Africa, FRELIMO provided direct support to the Zimbabwean National Liberation Army. In response, the Southern Rhodesian air forces carried out extensive bombing of refugee and opposition camps inside Mozambique, leading to thousands of casualties. In addition, Southern Rhodesia's intelligence service created the Resistência National Moçambicana (RENAMO) in 1977, with the objective of weakening and destabilizing the country. The strategy was to attack the military bases of FRELIMO and of the Zimbabwean National Liberation Army, and to recruit fighters among the civilian population.

17. The same year, the annual party congress of FRELIMO decided to adopt the classical Soviet model for the organization and development of the country, and the Government developed close links with communist and socialist countries. Among the results of this State-centred policy were over-centralization, low tolerance for domestic opposition and a hostile attitude towards traditional religious and cultural values. To develop the production capacity of the agricultural sector, the Government opted for collectivization, and rural populations were transferred to communal villages, 6/ thus disrupting the traditional landholding of many communities. The Government also attempted to destroy the role of traditional leaders (regulos) in the countryside. Such practices contributed to resentment and dissatisfaction among the rural population.

18. During the first years, government forces successfully fought against RENAMO, which was largely dismantled by 1980. However, prior to the independence of Zimbabwe in 1980, the management and support of RENAMO were transferred to South Africa. The objective of South Africa was to reduce anti-apartheid activities in neighbouring States. By destabilizing Mozambique socially and politically, including by crippling its economy and destroying its infrastructure, South Africa could not only reduce the capacity of Mozambique to support the African National Congress, but also prevent Zimbabwe's access to the sea. Accordingly, South Africa engaged in a full-scale destabilization campaign against Mozambique, by providing training camps, airlifts, arms and equipment to the rebels, as well as conducting its own commando and air force raids on Mozambique. The dispersed forces of RENAMO regrouped and, in the course of the following two years, its forces grew from fewer than 1,000 to an estimated 8,000 fighters. 7/ As the war intensified, RENAMO soon made important military gains, particularly in the central parts of the country. RENAMO seriously disrupted transport along the Beira, Limpopo and Nacala Corridors, routes for the foreign trade of Zimbabwe and Malawi, and Zimbabwe accordingly decided in November 1982, with the agreement of the Government of Mozambique, to send more than 10,000 troops to protect the Beira Corridor.

19. In hopes of ending the war, Mozambique entered into an agreement with South Africa in March 1984, in which they agreed not to allow their territory to be used as a base for attacks against each other. 8/ Although South Africa pledged to cease its assistance to RENAMO, it violated the agreement and continued to support the rebels, albeit in more subtle forms. Peace negotiations between the parties were initiated the same year under the auspices of South Africa, but soon collapsed, owing to differing positions. 9/

20. In the following period, RENAMO became more autonomous, relying increasingly on the local population for provisions, and on the capture of arms from government forces. Furthermore, FRELIMO's practices of forced relocation, collectivization and rejection of traditional values and identity prompted gradually increasing support for the insurgents among the rural population. The nature of the conflict thus changed from being an essentially externally constructed destabilization campaign into a genuine civil war. As the war intensified in the following years, RENAMO successfully undermined both the country's infrastructure and the Government's ability to govern by destroying roads, factories, schools, health clinics and stores, as well as by disrupting agricultural production. By 1987 the conflict had reached its widest extent, with RENAMO having made gains in Tete, Nampula and Niassa provinces in the north, as well as operating in the south of the country. The insurgents largely ignored President Joachim Chissano's offer of amnesty to RENAMO soldiers. By the end of the decade, RENAMO controlled vast rural areas throughout the country.

21. In the face of total economic collapse with increasing dependence on foreign aid, the Government began from 1987 onwards to undertake far-reaching political and economic reforms, and formally abandoned its former Marxist philosophy in favour of political liberalization and a more market-oriented approach in July 1989. The end of the cold war and the dismantling of the Soviet Union further contributed to this shift, as the Government could no longer rely on external support. The reforms contributed to increased support from Western countries, and given the precarious economic situation, 10/ the Government also became gradually more receptive to a political solution to the conflict.

22. In November 1990, the Mozambique Assembly adopted a new Constitution, providing for multiparty presidential and legislative elections with universal suffrage by secret ballot, an independent judiciary, equality before the law, access to courts, the abolition of the death penalty, the prohibition of torture and cruel and inhuman treatment, the right to presumption of innocence and the right of habeas corpus in cases of deprivation of liberty. The Constitution also provided for freedom of religion, freedom of expression, freedom of the press, the right to form associations, including trade unions and political parties, and freedom of movement. Private ownership, however, does not include the right to own land, which remains the property of the State. 11/

23. Mozambique thus took a major step towards establishing an institutional framework to guarantee its citizens' human rights. Although RENAMO rejected the new Constitution, it lost important arguments for continued warfare since the Constitution reflected its fundamental political demands. Furthermore, political changes inside South Africa, together with international pressure on

the country, led it to cease all support for RENAMO. In spite of military gains in the rural areas, it was thus apparent that RENAMO had insufficient capacity to achieve a clear-cut military victory.

## D. Negotiations and the Peace Agreement

24. These factors contributed to the increased willingness of both parties to embark upon a peace process. Tentative mediation had already been carried out in 1988 through the Community of Sant' Egidio, a Roman Catholic lay organization, 12/ and after indirect negotiations in 1989, the parties eventually agreed to meet directly in Rome in July 1990. However, as is often the case when peace is negotiated while fighting continues, each of the parties sought to strengthen their positions at the negotiating table by making military progress in the field. The war therefore still continued to rage in wide areas of the country until a final peace agreement was reached in October 1992. 13/

25. Intensified conflict and mutual accusations about the slow progress of the negotiations reflected the mutual distrust of the parties despite their interest in peace. It was thus important to involve external support in the process. The initial non-governmental efforts were gradually supplemented by international participation in mediation and negotiations, initially by African States and later, as the process gained momentum, by Western countries. 14/ During the course of the negotiations, it also became clear that there was a need to seek the support of an impartial body to secure the necessary monitoring and implementation of the peace agreement. As the United Nations was seen as the most suitable institution to fulfil this role, the Organization became more actively involved in the final stages of the negotiations, and was entrusted with the implementation of several important aspects of the peace agreement.

26. After 12 rounds of peace talks, a comprehensive framework for peace-building in Mozambique was finally agreed upon on 4 October 1992. On the military side, the General Peace Agreement 15/ included provisions on withdrawal of foreign troops, cease-fire, disarmament and demobilization, as well as on the reintegration of soldiers from both sides and the constitution of a joint army. It also contained provisions on the functioning of the police and the national security service. On the civilian side, it contained provisions for the institution of a multiparty democracy, including the modalities for holding presidential and parliamentary elections, the formation of political parties 16/ and the provision of humanitarian assistance, as well as principles on human rights and on the return and reintegration of refugees and internally displaced persons.

27. More specifically, the General Peace Agreement provided for respect of human rights and fundamental freedoms, 17/ with specific provisions elaborating on freedom of the press and access to the media, freedom of association, freedom of expression and political activity, as well as freedom of movement and residence. 18/ The parties further agreed to cooperate on the return and reintegration of refugees and internally displaced persons, to draw up a plan, together with the United Nations, to organize necessary assistance for them, and to seek the involvement of other organizations in the plan's implementation. The Agreement specified that the displaced should not forfeit

any of the rights and freedoms of citizens for having left their original place of residence, that they had the right to restitution of property and were to be registered in the electoral rolls in their places of residence. 19/ As regards the provision of humanitarian assistance, the parties undertook to observe a number of guiding principles, including the principle of non-discrimination, freedom of movement for personnel and goods under the flag of the United Nations or the International Committee of the Red Cross (ICRC), the access of both to the entire affected population, and freedom of movement for persons to enable them to have full access to humanitarian assistance. The parties also agreed to other measures to facilitate the delivery of assistance, and not to derive military advantage from such operations. 20/

28. The General Peace Agreement established a number of supervisory commissions, which included both government and RENAMO representatives, to monitor adherence by the parties to the various parts of the Agreement. To ensure the good functioning of this machinery, the Agreement entrusted the United Nations with the chairmanship of the Supervisory and Monitoring Commission, a body established to monitor the implementation of the entire Agreement, and also of the commissions on cease-fire and reintegration. A number of other tasks were also entrusted to the United Nations, which thus assumed responsibility for the implementation of peace in Mozambique.

### E. Peace implementation phase

29. On 16 December 1992, the Security Council decided to establish the United Nations Operation in Mozambique (ONUMOZ), which was given a complex political, military, electoral and humanitarian mandate. 21/ The tasks of ONUMOZ included facilitating the implementation of the Peace Agreement; monitoring the cease-fire, the disarmament and demobilization of soldiers from both armies, and the withdrawal of foreign forces; providing security for key transport routes; extending technical assistance for and monitoring of the elections; and coordinating and monitoring all humanitarian assistance operations, in particular those relating to refugees, internally displaced persons, demobilized personnel and the affected local population. ONUMOZ was later also requested to participate in the formation of the new Mozambican Defence Force and to monitor the neutrality of the police. These tasks were interdependent, in the sense that success within one area was dependent upon progress within others. For example, the delivery of humanitarian assistance was dependent upon restoration of security along the transport lines. Conversely, humanitarian assistance was to promote confidence between the parties and the return of the displaced, hence stability, without which disarmament was unlikely.

30. To achieve the humanitarian component of its mandate, a special division, the United Nations Office for Humanitarian Assistance Coordination (UNOHAC) was established and staffed with personnel from United Nations agencies and NGOs. It was the first time in the history of United Nations peace-keeping that a humanitarian component was conceived as an integral part of the operation. The role of UNOHAC was to coordinate and facilitate the provision of humanitarian assistance, particularly in parts of the country which had not been accessible during the war, as well as in locations more seriously affected by drought. In this context, UNOHAC was entrusted with coordination in areas such as the repatriation of refugees, the

resettlement of internally displaced persons, the reintegration of demobilized soldiers, emergency assistance and the restoration of basic services.

31. In according with the General Peace Agreement, elections were to be held within one year, thereby ending the transitional period. The duration of the ONUMOZ mandate was thus originally limited to one year, but in the face of the complex and monumental tasks to be accomplished, it was realized that the transition phase would possibly need to be extended. In particular, the failure of the peace process in Angola had highlighted the need to ensure that elections were not held until soldiers had been disarmed. After numerous obstacles had been overcome, the elections were finally held between 27 and 29 October 1994. In the elections, which were deemed to be free and fair by ONUMOZ, FRELIMO won about 55 per cent of the votes and 129 of the 250 seats in the Parliament. With clear majorities in the five central provinces of Sofala, Manica, Tete, Zambezia and Nampula, RENAMO gained 112 seats, and a coalition of small parties won the remaining nine seats. While Chissano secured the support of the south and the north, Alfonso Dhlakama, the leader of RENAMO, drew the majority of his votes from the central provinces. The elections, as the culmination of the peace process, have generally been considered a success and the beginning of a new chapter in the history of Mozambique.

32. The inauguration of President Chissano on 9 December 1994 marked the end of the mandate of ONUMOZ and the Government of Mozambique has since continued to work towards the consolidation of peace and stability, the strengthening of democracy, and economic and social development. Similarly, RENAMO has repeatedly reiterated its commitments to peace and to pursuing its goals through democratic means. However, some of the Representative's interlocutors indicated that the strong support for RENAMO in some districts and the high number of seats allocated to the party in the Parliament had not led to a corresponding influence on policy. Political power remains highly centralized and this has led to frustration among RENAMO members. In this connection, it was emphasized that although the national elections were of fundamental importance, full normalization would only be achieved after local elections had been held. The Government, on the other hand, pointed out to the Representative that it had adhered strictly to the principles of multiparty democracy and been attentive to the need to pursue reconciliation.

## II. PATTERNS OF DISPLACEMENT AND RESPONSES

### A. Causes of flight: strategies to avoid displacement

33. As noted above, the strategies of warfare had an important impact on displacement of the population. While RENAMO is widely recognized as bearing the major responsibility for such displacement, both with regard to the number of persons displaced and the methods employed, both armies contributed to the massive uprooting of the rural population by deliberately dislocating and relocating great numbers of civilians as part of their military strategies.

34. Violence against civilians was a fundamental component of the overall military strategy of RENAMO. First, it served the purpose of securing resources from the local population, in particular food, combatants and workers, and second, it was a tool to weaken the resource base of the

Government and its capacity to govern. To this end, RENAMO not only undertook systematically to destroy all infrastructure but also, as the Mozambican economy is largely based on agriculture, forcibly to displace the rural population so as to disrupt agricultural production.

35. In flagrant violation of the basic rules of humanitarian law, civilians living in rural settlements were regularly made the subject of direct attacks. In some cases, this resulted in massacres, in others in spontaneous and disorderly flight, often separating families. Those who were captured were commonly subjected to rape and arbitrary killings, held captive to grow food for the rebels, or abducted for the purpose of providing forced labour or sexual services. 22/ For their military operations, the rebels further needed labour to carry weapons, food and ammunition, but also combatants, for which children were found to be suitable, once they had been trained. Various techniques were developed to ensure their total obedience, including by making them hardened to the suffering of others. 23/

36. The information provided to the staff of the Representative during their visit to a small village located in the western part of Maputo province is illustrative of the widespread suffering experienced by civilians. After an attack by the rebels in 1983, some were forcibly displaced to neighbouring urban centres, some became refugees in South Africa and some were forced to remain. One of the men held captive explained that the people forced to remain suffered from hunger for years, as well as separation from their families. There were also former child soldiers among the returning community.

37. Deliberate displacement of civilians for strategic reasons by government forces was also reported, particularly in the central provinces. This included the army's operational policy of "recuperation", which was reportedly aimed at taking away the resource base of RENAMO. It meant the forcible relocation of peasants into garrison towns or guarded settlements, and was justified as liberating people from RENAMO control. 24/ Although such practices are reported to have provoked a substantial part of the internal displacement in several central provinces, 25/ it must be emphasized that persons met by the Representative during the mission did not consider themselves as having been persecuted by the Government.

38. Aside from displacement caused by deliberate action, many persons had to flee when the military fronts moved closer to their places of residence. In this connection, it should be noted that the population lived in constant fear of being attacked. To avoid losing their homes and sources of livelihood, many communities resisted displacement as long as possible and developed different strategies for survival.

39. One person in Zambezia province described to the Representative how people in his village would often hide in the forest during the night and return in the daytime. As the situation worsened, some families decided to stay while others fled the village. Since fighting was spreading to different parts of the district, they did not know where to go to find shelter and after one week they returned. The village was finally attacked and five families

were kidnapped, three of whom later died from malnutrition and famine. The man who spoke to the Representative lost six members of his family during the attack.

40. An important feature was the extent to which local populations were able to negotiate their continued residence with one of the parties. By doing so, however, they were forced to choose sides in the conflict and were thereafter identified with the side they had chosen. These communities thus exposed themselves to reprisals for alleged support of the enemy and were therefore displaced each time the fronts moved. It has also been reported that local grievances prompted certain groups to align themselves with RENAMO in a more active manner. For instance, the Representative learnt during his travel in Zambezia province that transport convoys along the road on which he was driving had been frequently attacked by the local population, which had joined RENAMO after its traditional leader had been executed by FRELIMO. Other motives which have been advanced for joining RENAMO were the opportunity to combat rival groups who had been given authority by FRELIMO. 26/

41. Because of the massive displacement, the possibility for farming was drastically reduced, and this led to food shortages among the rural population. With their increased vulnerability, they had consequently fewer resources to resist drought, which severely affected the country during the conflict, both in 1983-1985 and 1991-1992. In areas where humanitarian assistance was restricted or prevented, there was a corresponding rise in death rates and also in displacement to areas where assistance could be received and security conditions were better. Continued insecurity coupled with destroyed infrastructure prevented the return of the displaced.

42. The two main considerations taken into account when people fled were security concerns and the need to have a source of livelihood. These could at times be contradictory concerns; on the one hand fear of losing one's land constituted an argument for staying if the harvests were sufficient, while, on the other, fear of attacks was an argument for departing. Conversely, in cases of serious drought or natural disasters affecting the harvest, the need to find a source of subsistence had to be weighed against the fear of being caught when trying to escape from a RENAMO-controlled zone. In some cases, there was adequate time to prepare for departure, so that families or even entire communities could leave together. If attacked, they had to flee in a dispersed manner, sometimes with the husband, wife and children going in three separate directions, or with parents abandoning their children during the flight.

43. The displaced's own perceptions of where food and security could be found were determining factors in deciding upon the destination of their flight. Sometimes, the nearest administrative centre was the first place of resettlement, if government soldiers were posted there. However, as their numbers increased, and because district towns were also subjected to attacks by RENAMO, the displaced moved further to the provincial capitals, where the presence of government forces largely provided security, and humanitarian assistance was available. Problems of congestion here provoked further displacement to larger cities. For instance, Maputo quadrupled in size, growing from a pre-war population of 500,000 to some 2 million inhabitants. Thus, multiple displacements were rather common.

44. Aside from the large number of internally displaced persons who moved to the fringes of cities, many sought protection along Mozambique's transport corridors which were protected by Zimbabwean troops. Some half a million displaced persons thus established settlements along the Beira Corridor. In cases where neighbouring countries were accessible, many of the displaced chose to seek refuge across the border. Thus, the causes for the flight of those who left the country and those who became internally displaced were the same.

### B. Conditions during displacement and steps taken to provide assistance and protection

45. The massive influx of internally displaced persons, many arriving in poor condition and generally empty-handed, constituted a considerable burden on the host communities. Within their capacities, local authorities often provided the internally displaced with land to cultivate, so that they could become self-sufficient. Such land might have been vacated by other persons who were displaced, but reallocation of land was also common. As the number of internally displaced persons increased, the fields in the direct proximity of urban areas became insufficient to sustain the population and areas further away had to be cultivated. The internally displaced would in such cases go out to the fields in the daytime and return at night. The authorities felt the need to release the pressure on the urban settlements; a number of accommodation centres were therefore established outside the towns, where the internally displaced could set up shelter, cultivate land and be provided with essential services, such as safe drinking water, tools for cultivation, medicines and education and health services. To improve the security situation of the civilians, government forces sometimes deployed large landmine rings around the urban and accommodation centres.

46. Female-headed households constituted the majority of the internally displaced. These families were less able to become self-reliant and thus more in need of assistance. In some cases, they were assisted by other families, for example in setting up shelters. The numerous children who had been orphaned or separated from their families 27/ constituted a particularly vulnerable group. In general, there was a willingness on the part of local families or other displaced persons to adopt the children, at least until their parents could be traced. However, in spite of efforts by the Government to set up a system of foster families and the tracing activities of other organizations, a large number of children were, and still are, in need of care.

47. As regards education, displaced children were to some extent accommodated within the existing school system. Furthermore, where the whole village population had fled together, the teachers among them could continue to provide some education. Overall, however, owing to lack of teaching facilities and of teachers, either because they had died or fled to another place, education was severely interrupted and the quality remained poor for a number of years.

48. Health conditions were often precarious. With the large number of persons living in overcrowded and unsanitary conditions, outbreaks of cholera

and other diseases were common. In the absence of health centres, an extended health-care network was set up in the form of "flying brigades", which would provide medicines and carry out vaccination campaigns.

49. In the face of the growing humanitarian crisis, assistance to the internally displaced and other war-affected persons became a priority for the Government. Realizing its limited capacity to deliver the necessary humanitarian assistance, the Government requested support from the international community, and several United Nations organizations became involved by the mid-1980s. In 1987, the United Nations launched a major international appeal for emergency assistance. That same year, the United Nations Special Coordinator for Emergency and Relief Operations was appointed to integrate the objectives of the emergency programmes with the ongoing reform of the national economy. Relief assistance was channelled through the Government's organization for the emergency relief programme, the Department for the Prevention and Combat of Natural Calamities (DPCCN). 28/ As DPCCN was established at the national, provincial and district levels, it coordinated assistance both by identifying the needs within each sector to the international community and by delivering the assistance. For instance, WFP generally provided food supplies on the basis of assessments carried out by DPCCN, which also transported it to the reception areas. By 1990, virtually all United Nations agencies were active in Mozambique, in addition to other multilateral agencies, bilateral donors and official agencies, and NGOs. Because lack of food was the main problem, the principal operational agency was WFP.

50. Because the displaced had a wide variety of needs, the Government decided to create a mechanism to respond in a rapid and flexible manner to changing circumstances. Thus, provincial commissions for emergencies were established, in which all members of the provincial government were represented. The aim was to have all the necessary expertise available, so that adequate assessments could be carried out. Thereafter, the humanitarian actors would respond in accordance with their mandates or field of expertise.

51. In the early phases of the emergency, the Government initially targeted assistance towards the internally displaced. However, once it became apparent that the problem would be of long duration and that targeted assistance created resentment among the local population and security problems for the beneficiaries, this policy was reversed and assistance was provided to persons in accordance with their needs. Although the internally displaced remained the major beneficiary group for emergency assistance, neither the Government nor the international community focused in operational terms on this group alone. Only to the extent that the internally displaced were among the most vulnerable did they qualify for assistance. The Government identified the following categories of needy people eligible for assistance: "deslocados" (internally displaced): persons compelled to abandon their homes for reasons beyond their control and who had not yet been able to resume any productive activity to earn their livelihood; "affectados" (affected persons): persons residing in an area particularly affected by war or natural disaster and who had no capacity to produce or buy their basic necessities; "recuperados" (liberated): people from areas retaken by the Government from RENAMO control; and "regressados" (returning refugees).

52. As a comparison, it has been reported that the internally displaced, often in overcrowded settlements and with fewer services provided, generally lived under worse conditions than refugees. Internally displaced persons living in areas controlled by RENAMO were frequently those who suffered the most, being for a long time cut off from all outside assistance.

## III. RETURN AND REINTEGRATION

53. Soon after the signing of the Peace Agreement, a large number of internally displaced persons began returning to their areas of origin. 29/ One million returned during the first half of 1993 and an additional million returned before the end of that year. 30/ Those who returned in the early months of 1993 largely had to rely on their own means for travel and the rebuilding of their homes. This was largely due to the fact that humanitarian organizations were late in establishing an operational capacity in the countryside and that access to RENAMO areas had been restricted. Furthermore, a climate of insecurity prevailed in some areas, mainly due to the late deployment of United Nations peace-keeping troops, which contributed to delays in the demobilization process. The Representative learnt that, in several instances, former soldiers had exploited their remaining armed by looting and robbing civilians travelling along the roads. Other such episodes included hostage-taking and attacks on convoys. There were also continuing restrictions on freedom of movement. As the situation gradually improved, those who returned received more assistance, both for transport and reconstruction, while at the same time benefiting from an improved security situation.

54. Return was normally initiated once information on the security situation in the home area had been received and initial preparations had been made for resettlement. Often, one or two family members would travel to the area of origin and assess the situation while the rest of the family remained in the area of flight. When entire communities had fled together, the traditional authorities would in some cases initiate the decision to return and resettle, as their leadership role was recognized by the local population. 31/

### A. Humanitarian concerns

55. The major challenge to resettlement was the availability of food. Frequently, families had to split up and live in both the area of flight and the area of return. A part of the family would start rebuilding the house and cultivating the land, while the rest of the family would remain at its location until the harvest had been collected. Another major consideration was the provision of education for children. Many of the schools in areas of origin had been destroyed during the war so that parents sometimes chose to leave their children temporarily behind in the host areas, where education was provided. When households remaining behind were headed by children, malnutrition would in many instances increase. In one case described to the Representative, a camp in Manica province housed almost exclusively children, some 3,000 to 4,000, for almost a year.

56. Upon arrival, returning populations were confronted with a wide variety of challenges. Owing to the enormous and widespread destruction during the

civil war, areas of return were often unsuitable for living and, in fact, huge areas were found to be depopulated when internally displaced persons returned there. Socio-economic reintegration was hampered by seriously inadequate local infrastructures, including poor access to water, lack of food security, lack of agricultural tools and seeds to plant, and almost non-existent employment opportunities. In addition, the enormous violence civilians had been exposed to during the war had left physical and mental scars, which needed to be addressed to ensure the rebuilding of the social fabric, both within and among communities. The Representative learnt that the disabled faced particularly acute problems in becoming self-reliant, and became dependent on their families or communities for support.

57. The role of traditional healers and chiefs was of particular in importance to the social reintegration process, in particular through their performance of curative rituals and ceremonies. For instance, the Representative was told that ceremonies were held within the community to reintegrate former child soldiers. Thereafter, it was considered that "the old man is dead and a new man is born". Similar purification ceremonies were held for women who had been raped. In general, the Representative was struck by the extent to which people were reluctant to speak about their past experiences and by their determination and willingness to move forward.

58. Furthermore, the Representative was informed during the mission that the traditional authorities had an important role in solving disputes. For instance, in the light of the enormous movements of populations, it could be expected that conflicts over land would increase rapidly. However, the Representative learned that many conflicts had been resolved peacefully by the traditional authorities. It was reported to him that over the course of one and a half years, between 300,000 and half a million land transactions were estimated to have been handled in accordance with customary law, outside the formal legal system. However, instances of conflict were also reported. The Representative was informed that in some instances, when internally displaced persons returned, they found their land had been allocated to companies, the State or other individuals. It should also be noted that the application of traditional law may have an adverse impact on the ability of women to retain ownership of land, depending on whether they live in a matrilineal or patrilineal society. In the latter case, women are clearly discriminated against, thus also affecting the livelihood of children in women-headed households. 32/

## B. Protection concerns

59. While major emphasis was given to the material assistance needs of internally displaced persons, protection problems received less attention. It was reported to the Representative that during 1993, when the security situation had not yet stabilized, protection problems had occurred, particularly in relation to freedom of movement and the presence of landmines along the return routes and in the home areas. It should be emphasized, however, that in comparative terms, returning populations have been subjected to very little discrimination or harassment.

60. As regards the right to freedom of movement and residence, serious problems were reported, both with respect to access of humanitarian

organizations and access of returning populations to areas controlled by RENAMO. Obstacles posed by RENAMO ranged from impeding access to returnees in order to prevent increased competition for land to preventing returnees from leaving once in the area. Reportedly, returnees suspected of having sided with the Government during the conflict were particularly exposed to such practices. 33/

61. The internally displaced were in particular exposed to danger from landmines, since unlike the local population, they generally were unfamiliar with the location of the mines. The Representative was told that the local population had developed marking systems to designate the presence of landmines once they had become aware of their presence. These practices, however, do not prevent children or cattle from being maimed or killed.

62. To some extent, the internally displaced benefited from the overall efforts made to stabilize the situation in the country. From March 1993 onwards, the deployment of United Nations peace-keeping forces contributed to ensuring security along the main transport corridors. This deployment also facilitated the delivery of humanitarian assistance. To compensate for the reduction in peace-keeping troops one year later, some 1,100 international civilian police observers were gradually deployed around the country. Their task was primarily to monitor the neutrality of the Mozambican police and their respect for human rights, an issue considered important in view of the forthcoming elections. Although the presence of police observers may have had a preventive effect on violations, it has also been noted that the impact was limited, as no disciplinary or preventive action was taken on the complaints which were transmitted to the National Police Affairs Commission. It should be emphasized, however, that while the internally displaced did benefit from a more secure environment, there was no monitoring of their return as such.

### C. Strategies to facilitate return, resettlement and reintegration

63. With the General Peace Agreement, the goals for the provision of humanitarian assistance to Mozambique by the international community shifted from emergency relief to peace-making and reconciliation. In recognition of the vital importance that the return of the displaced population would have for the peace implementation phase and the preparation of the elections, a humanitarian component was integrated into ONUMOZ, as described above (see para. 30). Thus, the return and reintegration of the displaced populations figured prominently in the implementation of peace. However, when using the term reintegration in the context of Mozambique, one should be aware that there was little for the returning population to reintegrate into. Many districts had been virtually depopulated and schools, hospitals, shops and wells only rarely were left undamaged. In other words, the little local capacity that previously existed had largely been destroyed and it became necessary to undertake, in addition to individual relief assistance, a broader rehabilitation programme addressing community needs.

64. A major rehabilitation programme was launched in 1993 to promote and support the return and reintegration process. It was considered that durable reintegration could only be effected if minimum conditions were put in place to reduce the vulnerability of the rural population to new displacements, in particular caused by drought. The primary target groups for humanitarian

assistance were internally displaced persons, returning refugees and demobilized soldiers, who were considered as having similar humanitarian assistance needs. There was general agreement that assistance should be directed towards assisting entire communities where returnees would resettle, and should be evenly distributed among the various social groups. Thus, populations that had remained also received assistance.

65. The main activities supported by the consolidated humanitarian assistance programme for 1993/1994 included the repatriation of refugees, demobilization, emergency relief, the restoration of essential services and balance of payments and budget support. It reflected an integrated approach to restoring basic services in the fields of agricultural production, health care, water supply, education, road rehabilitation and mine clearance. Special efforts were made by the UNOHAC to reach populations living in RENAMO areas, where involvement of humanitarian assistance organizations had in the past been severely limited. An important coordinating role was carried out by the UNOHAC humanitarian assistance committees, which were established in all provincial capitals. The Committees were chaired by UNOHAC and included both government and RENAMO participants as well as United Nations and NGO operational partners. The decentralization of coordinating responsibility to the field level proved of particular importance in building up working relations between all parties and facilitated the reintegration of the administrative areas controlled by RENAMO into government structures. Moreover, UNOHAC established a database with information on the various provinces, which was considered extremely useful for operational planning.

66. The role of international NGOs, in particular, should be highlighted. After the signing of the Peace Agreement, more than 150 NGOs established a presence in the country and assumed a very important role as implementing partners of international agencies. The Government, international organizations and NGOs have since implemented a wide range of reintegration projects in returnee areas, focusing on safe drinking water, education, health, road construction and distribution of seeds and tools. From October 1992 to December 1994, at least 750 schools and 250 health facilities were built and 2,000 water sources were opened or rehabilitated. 34/

67. The International Organization for Migration (IOM) played an important role in assisting the internally displaced population. Initially, the main task of IOM was to secure necessary transport for demobilized soldiers and their families. However, because the demobilization process was delayed, IOM was given the responsibility of providing emergency assistance throughout the country to the most vulnerable among the internally displaced, starting in August 1993. Although providing transport to vulnerable groups of internally displaced persons was its main objective, IOM also aimed at reducing their dependence on urban infrastructure increasing their access to land, the recovery of the agricultural sector and facilitating family reunification. IOM provided transport to those requiring it for reasons of distance to be travelled, health or age. In total, IOM transported some 150,000 internally displaced persons, 200,000 demobilized soldiers with family members and 150,000 refugees. At departure and arrival, IOM cooperated with local authorities and national and foreign NGOs. In collaboration with programme partners, IOM provided the internally displaced with food, seeds, tools, medical assistance and transport of household belongings. Other activities

included rehabilitating small-scale social, health or education infrastructure, clearing land where internally displaced persons planned to resettle, providing building materials for huts and health posts, supplying carpentry or other cottage industry kits, participating in the rehabilitation of schools alongside NGOs by providing transport or subsidizing procurement of school materials. IOM was the only international organization with presence in all provinces in Mozambique.

68. Within the framework of its large repatriation programme, UNHCR undertook substantial rehabilitation and reintegration activities in seven of the country's 10 provinces to which refugees had returned. UNHCR considered that a successful operation required addressing simultaneously the reintegration needs faced by the entire target community. Thus the internally displaced and returning refugees benefited on equal terms with the rest of the population from community-based programmes, such as rehabilitation of the infrastructure by means of "quick impact projects". 35/ By June 1996, some 1,500 such projects had been initiated, the majority in Tete, Manica and Gaza. In addition, UNHCR participated in the overall assistance programme established by UNOHAC, by providing agricultural kits and domestic utensils for needy groups.

69. However, Nampula province, which had a large number of internally displaced persons, was not covered by UNHCR. The question therefore arose as to the adequacy of reintegration programmes in those areas where UNHCR was absent. For logistical reasons, the Representative was unable to visit Nampula province and the views of those with whom he discussed this question differed widely. Some expressed concern that reconstruction had been neglected, whereas others felt that donor efforts had been well coordinated and covered the entire spectrum of needs.

70. As noted above, access to food was of vital importance to the internally displaced both during the conflict and in the return and resettlement phase. After return, food assistance was required at least until the first harvest. In addition, it was necessary to continue to address the needs of the displaced who had not yet returned. The provision of food aid throughout the country resulted in an increased sense of food security and encouraged the spontaneous return of displaced populations. Food was either transported by DPCCN, NGOs, or WFP itself, and distributed upon arrival by DPCCN and NGOs. However, in RENAMO areas, DPCCN did not participate in food transport and delivery. As the displaced resettled and resumed cultivating their land, the need for food deliveries was reduced. Thus, WFP food assistance fell from targeting 3.8 million people in 1992/1993 to 1.9 million and 1.5 million in the following two years. The level of relief assistance has since been significantly reduced. The current operation is estimated to cover an average beneficiary level of 154,000 persons. Three categories have been identified as requiring emergency assistance: flood victims; people in need owing to crop failure and drought; and returnees and former internally displaced persons. Out of a total of 200,000 returned or resettled in 1995, approximately 70,000 to 80,000 people require a final period of food assistance from November 1996 to April 1997, mainly those who arrived late and were thus unable to clear and cultivate sufficient land.

71. Although the internally displaced were included among the three primary target groups for humanitarian assistance, the Representative repeatedly heard that their situation was more difficult than that of returning refugees and demobilized soldiers. Many of the returning refugees had received assistance during their exile, as well as limited training and education; some also had had the opportunity to work. They were thus able to return with savings and belongings. Moreover, their return was monitored by UNHCR, which provided seeds and tools. As regards the economic and social reintegration of demobilized soldiers, they were entitled to six months' severance pay by the Government, followed by a "reintegration subsidy payment" for the following 18 months. Furthermore, they were provided with training to develop their occupational skills and access to credit to establish an activity of their choice in their communities. By contrast, the internally displaced often received insufficient support during their displacement, had no organization to monitor their safe return, and generally returned empty-handed.

### D. From emergency programmes to development assistance

72. Near normal rains and the continuing peace meant that many Mozambicans, including returning refugees and the internally displaced, were able to farm their lands again, reducing dependence on food aid. Until the end of 1996, programmes were generally considered as being in a transition phase between emergency and development assistance, the focus being on continued assistance for reconstruction, recovery and completion of the projects started in the previous phase.

73. In view of the phase-out of the UNHCR operation, and so as to ensure a smooth transition from emergency to development assistance, UNHCR and UNDP carried out a situation analysis of the 34 priority districts where UNHCR had been operational. The aim was to provide the Mozambican authorities and development aid partners with information concerning the progress of rehabilitation in war-devastated areas and to guide further development activities in returnee-affected districts. However, UNHCR and UNDP entered into collaboration rather late; moreover, some point out that the sustainability of the projects would have been better promoted by the increased involvement of local authorities and populations in the planning and implementation phases, as this would have facilitated the necessary maintenance and follow-up of the projects established.

74. With return, reintegration and development assistance under way, the international community found it no longer useful to target categories of displaced populations. Doing so, it was felt, could have adverse affects on reconciliation, particularly since the remaining challenges facing the displaced were shared by the population as a whole. In spite of massive assistance throughout the country, most communities still have inadequate infrastructure and must overcome the general problem of poverty. In one village visited by the Representative's staff, there was no well, which led the women to walk some 13 km each way to find water. There was also no school nearby so that children had to walk the same distance to attend school, leading to the youngest among them staying at home because they could not walk such a long distance. Other remaining problems include an insufficient number of health posts, as well as the lack of commercial networks and roads, which makes it difficult for the rural population to sell surplus production to the

market and buy necessary commodities in return. It was also reported to the Representative that problems particularly affecting women were lack of access to credit, lack of employment opportunities and, in certain cases, discrimination in access to land.

75. An important aspect of the overall strategy of the Government and the international community towards sustainable development is strengthening the national economy and the Government's administrative capacity. The overall aim of the efforts of the donor community is to improve economic performance, consolidate democracy and a culture of "good governance". To this end, decentralization is considered of vital importance and assistance is thus channelled increasingly to the local level.

## E. Remaining problems of displacement

76. Despite the decision by the Government and the donor community no longer to target displaced groups, this in no way means that all internally displaced persons have returned. Information received indicates vast differences in the rate of return of the displaced. The resettlement rate was above 90 per cent in several provinces, 36/ while the smallest rate of resettlement of internally displaced persons was recorded in the provinces of Maputo and Sofala, with 70 per cent and 49 per cent respectively. As regards Maputo city, only 24.2 per cent of the internally displaced had resettled by November 1994, 37/ and this situation has reportedly remained largely unchanged.

77. Several explanations were advanced to account for this situation. First and foremost, it was emphasized that the comparatively higher level of services available in urban areas prompted many internally displaced persons living on the fringes of the major cities of Maputo and Beira to remain. Despite abject poverty in the slums surrounding the cities, living conditions are still considered preferable to those in rural areas, particularly with regard to access to water and the availability of basic services, such as health and education, as well as access to markets, which provides opportunities in the private sector. Moreover, owing to the length of their stay in the cities, many internally displaced persons have adapted to urban life and may no longer be willing to engage in subsistence farming, but prefer to work in the private sector or informal economy.

78. The Representative was also informed during his field visits that among the factors motivating persons to remain was a lack of confidence in the durability of peace, sometimes coupled with a reluctance to return to the area where they had experienced terror, and the fact that they had lost their families and thus had no reason to return. Lack of transport constitutes a problem for those who now want to return. Some point out that IOM departed prematurely, whereas others are of the opinion that all those who wanted to return have been given the possibility of doing so.

79. A major problem of safety for returnees has been the extensive and unmapped presence of landmines, some of which date back to the war of liberation. While the initial estimate of 2 million is generally recognized as being too high, it was emphasized to the Representative that the major challenge is not one of numbers, but rather the size and location of mined

areas. For instance, the Representative was told that 8,000 mines which had been planted to protect a dam at the time of the war of independence would have little or no impact on social activities because of their location in a remote area. The perception that an area is mined can prevent entire communities from returning. For instance, the Representative was informed that upon the clearance of an area believed to be mined, in which a total of eight mines had been found, some 15,000 internally displaced persons returned spontaneously. This incident occurred at the beginning of 1996 and was described as a general pattern.

80. ICRC and WFP initiated the first mine clearance activities after the Peace Agreement, with ONUMOZ and UNOHAC providing management and coordination. Commercial companies and two NGOs were initially contracted to clear roads and some resettlement areas so as to facilitate return. In addition, military engineers from ONUMOZ provided landmine-clearance training to demobilized soldiers, so that Mozambique would eventually be able to develop its own capacity. These efforts were consolidated in August 1994, with the establishment of an Accelerated Demining Programme (ADP), funded by the Department of Humanitarian Affairs and UNDP. ADP is now in transition from being a United Nations programme towards being a national entity. Given that no organization was working in the southern part of the country, ADP was given responsibility for demining activities in Maputo, Inhambane and Gaza. Aside from ADP, the main actors in the country are currently HALO Trust, which operates in the northern provinces of Zambezia, Nampula, Cabo Delgado and Niassa, and Norwegian People's Aid, which has its main activities in the central provinces of Tete, Manica and Sofala.[38]/ These three actors operate in close liaison, and in accordance with national, district and provincial priorities, as established by the National Demining Commission.

81. Because of the large number of mined areas throughout the country, it has been necessary to focus demining activities on areas where the impact of clearance would be greatest. For instance, where a mine ring has been laid around a village, only a few parts of the ring would need to be cleared, so as to give the population easy access to wells, fields or roads located on the outside. Target areas were generally identified on the basis of information provided by the local population. The information received seems to indicate that a substantial number of persons remain displaced for fear of landmines, rather than for reasons of personal choice and convenience. It is thus important that a survey be carried out among this population, so that their concerns can be included in the identification of priority areas for future demining activities.

## IV. CONCLUSIONS AND RECOMMENDATIONS

82. Internal displacement in Mozambique resulted from the protracted internal conflict which ravaged the country for almost 16 years, compounded by drought and natural disasters. Some one third of the population were forced to move, in search of protection and assistance, either inside the country or in one of the six neighbouring States, and multiple displacements were rather common. However, the Government demonstrated a responsive attitude towards its citizens and actively sought the support of the international community in addressing the humanitarian crisis, both in providing assistance and protection to the war-affected population and in its search for a peaceful

solution to the conflict. Thus, the international community was able to support in a comprehensive and effective manner the quest for peace and its implementation. The United Nations was given a prominent role in supporting this process and established an integrated peace-keeping operation in which a strong humanitarian component was included for the first time in its history. The return of displaced populations was considered an important element in stabilizing the situation.

83. An important feature throughout the crisis of displacement was the extent to which the population of Mozambique was able to make use of its own resources in addressing the challenges it had to confront. This is as valid for the periods prior to and during displacement as for the return and reintegration phase. Indeed, the majority of refugees and internally displaced persons resettled by themselves. Moreover, the speed with which displaced populations decided spontaneously to return overwhelmed the entire humanitarian assistance community and reflected the strong desire of the displaced populations to start rebuilding a new life. Without minimizing the valuable contributions of those organizations directly assisting in the transport of returnees, the challenge for the Government and the international organizations was basically one of stabilizing conditions for the returnee population. The return of the population to their areas of origin could not in itself be considered a durable solution until minimum conditions had been created to reduce their vulnerability to new displacement.

84. The close cooperation between the Government and the international community must also be highlighted. Through frequent consultations and regular meetings between the Government, the donor community and the coordination mechanisms established by the international agencies, the necessary conditions for a flexible and coordinated response to changing circumstances became possible. The flexible approach taken by the Government must be commended, in particular its willingness to transfer a major part of its coordinating responsibility to the United Nations during the peace implementation phase. This allowed for a more active involvement of RENAMO and facilitated the provision of assistance to populations living in RENAMO areas.

85. As the Representative has repeatedly emphasized on previous occasions, the internally displaced cannot be considered outside the broader framework of nation-building and the needs of the population at large. Consequently, while the needs of the internally displaced may be of a specific nature and thus require specific measures to be taken, often an effective way of assisting them is through steps taken in a wider context.

86. During the Representative's visit to Mozambique, it was emphasized that given the magnitude of the crisis and the very different situations in which the displaced found themselves, a comprehensive, flexible and multisectoral approach was required to address the diversity of needs faced by the displaced and that this task could best be accomplished by collaborative arrangements among the various humanitarian actors. At the same time, the internally displaced would have benefited from sustained monitoring of their conditions by an authority or agency designated to act on their behalf. Such a function could have been carried out by a mechanism such as an in-country task force on internally displaced persons on which operational agencies were represented or

by mandating an organization to monitor the protection and assistance needs of the displaced. Given the disadvantaged status of the displaced compared with other groups, testified to by many persons whom the Representative met, systematic monitoring of their conditions would have been valuable for operational planning.

87. The specific needs of the internally displaced included not only transport assistance during return, but also the need to ensure that certain groups among them received sufficient attention. Of such groups, those who were trapped in RENAMO-controlled zones, women-headed households, unaccompanied children and the disabled were particularly vulnerable. In addition, return could have been facilitated by taking the displaced's own strategies into account in the form of distribution of food, seeds and tools prior to their departure, as well as by monitoring their security during return. As regards the level of assistance provided to the internally displaced in Mozambique during the resettlement phase, it can be noted that in areas where there were returning refugees, the population at large received assistance, so that their needs were probably covered. However, where the international presence was weaker, there is reason to believe that returning internally displaced persons may have received comparatively less assistance.

88. Two questions of relevance to the issue of displacement deserve special attention. The first is the question of whether the population which has not returned should be considered internally displaced or not. If the intention is to remain away indefinitely through personal preference, then the answer should be negative. In such cases, it could be considered that a durable solution has been found. If, however, the person concerned still wishes to return, but is prevented from doing so, owing to landmines or lack of transport facilities, the answer would be in the affirmative. To this end, it would be useful to carry out a survey among the population which settled on the outskirts of urban centres during the war. Should there be a desire for return, the Government, together with the international community, should seek to facilitate this.

89. The other question, that of access to land, is of vital importance to the prevention of future displacement. Indeed, access to land is not only of crucial importance to stabilizing the returnee population, but is also of major importance in preventing future displacement of the peasant population as a whole. As the majority of land conflicts have reportedly occurred between smallholders and commercial interests, it is to be hoped that the new land law will provide adequate protection for peasant farmers in securing access to land. Protecting land tenure would be an important measure to prevent farmers from being dispossessed of their land and thus displaced.

90. The land question also raises the issue of finding adequate mechanisms to regulate the relationship between national legislation and customary law. Given the limited capacity of the judiciary, the lack of knowledge about national legislation among the population, and the lack of resources to make use of the court system, the large majority of the population will in practical terms have their legal status defined within the framework of traditional systems in the foreseeable future. As reflected above, these systems have proved to be efficient in settling many disputes over land in a peaceful manner. However, customary law has its limitations. For example, it

may discriminate against single women with regard to allocation of land and inheritance rights. The challenge therefore is to ensure that national legislation, which provides for equality between men and women 39/ can be resorted to. To this end, it might be useful to compile and analyse customary law, with a view to examining the extent to which it harmonizes with national legislation. Furthermore, there is a need to disseminate knowledge about national standards among the population, so that individuals become aware of their rights. Given the high illiteracy rate among the population and the lack of qualified personnel, it would be useful if the local administration and the school system became involved in this effort.

91. Finally, the Representative would emphasize that the first condition for a durable solution to displacement is agreement between the parties on a framework for a peaceful resolution to the conflict, and their continued commitment to support the peace process. While RENAMO is clearly committed to the Peace Agreement and the idea of resolving political differences through peaceful and democratic means, a general feeling of disenchantment seems to persist among its adherents. Points of tension raised with the Representative included the view that there should be a greater separation between the FRELIMO party apparatus and the State structures, allegations of discrimination against pro-RENAMO citizens as regards access to education, training and employment, and the inadequate channelling of resources into areas in which RENAMO enjoys strong support. It is to be hoped that the Government will be attentive to such grievances and will continue to support the ongoing reconciliation process. In this respect, it is also to be hoped that the decentralization process will be furthered, and to that end that municipal elections will soon be held and local structures provided with adequate competence and resources. Moreover, the Government should encourage the strengthening of civil society in the political process to promote an even more open space for political dialogue. This includes, most importantly, involving the "traditional society" in the decision-making and opinion-building processes. These elements will be essential for continued peace-building, a prerequisite for economic development and social stability.

## Notes

1/ UNOHAC, Monthly Bulletin July 1993, No. 4, "Mozambique report, Humanitarian activities in a post-war Mozambique", estimated the number of internally displaced persons to be resettled between the peace agreement and mid-1995 at 4.1 million.

2/ MANU, the "Mozambique African National Union" was formed in 1961 from a number of small groups already existing among Mozambicans working in Tanganyika and Kenya; UDEMANO, the "Uniao Nacional Democratica de Mocambique" was formed in 1960 in Salisbury and UNAMI, the "Uniao Africana de Mocambique Independente" was started by exiles from Tete region living in Malawi. See International Alert, Mozambique : Feasibility Study. Report of a fact finding Mission, p. 3 (hereinafter International Alert), with further reference to Mondlane, E., The Struggle for Mozambique, Penguin Books, Middlesex, 1969, reprinted by Zed Books, London 1983.

3/ Similar proposals were also made by some Mozambican non-armed movements, see International Alert, pp. 5-6.

4/ See International Alert, p. 6.

5/ In 1978, only 20,000 remained of the previous 260,000 settlers.

6/ It has been estimated that up to 1 million were moved under such policies, see U.S. Committee for Refugees, "No place Like home, Mozambican refugees begin Africa's largest repatriation", December 1993, p. 6.

7/ See The United Nations and Mozambique, 1992-1995, The United Nations Blue Books Series, vol. V, Department of Public Information, United Nations, New York, p. 9.

8/ "Agreement on Non-Aggression and Good-Neighbourliness", known as the Nkomati Agreement.

9/ See International Alert, p. 11, indicating that the Government offered amnesty and reintegration into Mozambican society, while RENAMO demanded the resignation of the Government, dissolution of Parliament and the formation of a coalition between the belligerents.

10/ See The United Nations and Mozambique, 1992-1995, pp. 12-13, indicating that by 1990 it was estimated that Mozambique was dependent on external aid for 90 per cent of its cereal needs.

11/ These changes were reflected in the country's new name, which changed from the "People's Republic of Mozambique", in other words a socialist one-party State, to the "Republic of Mozambique".

12/ For the role of the Community of Sant' Egidio, see The United Nations and Mozambique, 1992-1995, pp. 15 and 200-201.

13/ A partial cease-fire was agreed in December 1990, under which RENAMO agreed to cease its attacks on the Beira and Limpopo transport corridors, on the premise that Zimbabwean troops were concentrated along these routes. However, RENAMO continued its attacks, claiming that Zimbabwe was not respecting the conditions set.

14/ For the countries concerned, see The United Nations and Mozambique, 1992-1995, p. 14.

15/ For the full text of the seven protocols and the four related documents, see The United Nations and Mozambique, 1992-1995, pp. 93-94 and 105-126.

16/ Notably by provisions which facilitated the transformation of RENAMO from a military into a political movement and its full participation in the electoral campaign.

17/ See inter alia, Protocol IV, of the General Peace Agreement, sect. V 2 (b), United Nations and Mozambique, 1992-1995.

18/ Ibid., Protocol III, sects. I-III.

19/ Ibid., Protocol III, sect. IV.

20/ Ibid., Declaration by the Government of the Republic of Mozambique and RENAMO on the Guiding Principles for Humanitarian Assistance, sects. I-IV.

21/ See Security Council resolution 797 (1992) and the Report of the Secretary-General on ONUMOZ to the Security Council (S/24892).

22/ Such widespread practices also led to the proliferation of venereal diseases, see Robert Gersony, "Summary of Mozambican Refugee accounts of Principally Conflict-Related experience in Mozambique", April 1988, p. 22.

23/ See Neil Boothby, Abubacar Sultan and Peter Upton, "Children of Mozambique: The cost of survival", United States Committee for Refugees, p. 5.

24/ See K.B. Wilson, "Internally displaced, refugees and returnees from and in Mozambique", in SIDA, Studies on Emergencies and Disaster Relief, Report No.1, November 1992 (hereinafter referred to as Wilson), p. 6, with further references.

25/ See Wilson, pp. 5-6.

26/ See Wilson, pp. 4-5, with further references.

27/ International agencies estimated that 250,000 children had lost their parents in this way, United Nations and Mozambique, 1992-1995, p. 12.

28/ Its original purpose, when established in 1980, was to deal with the effects of natural disasters such as droughts, floods and cyclones.

29/ It has been noted that displaced populations which had fled from the post-independence communal villages set up by the Government often preferred to return to their original village.

30/ According to UNOHAC, 4.9 per cent of the internally displaced had returned by January 1993, 63.0 per cent by January 1994 and 81.7 per cent by November 1994, by which time 3,053,000 out of a total of 3,737,000 internally displaced had returned. It should be noted however, that large discrepancies exist with regard to the total number of persons who were displaced and who returned. WFP stated on 19 July 1996 that "to date an estimated 1.7 million refugees and 2.2 million formerly displaced have returned and begun the process of rebuilding their lives".

31/ See International Alert, p. 21.

32/ See also Joseph Hanlon, "Supporting peasants in their fight to defend their land", a report to Christian Aid, 30 November 1995, p. 27.

33/ Lawyers Committee for Human Rights, "African Exodus, Refugee Crisis, Human Rights and the 1969 OAU Convention", July 1995, pp. 132-133.

34/ See United Nations Operation in Mozambique, Consolidated Humanitarian Assistance Programme 1992-94, Final Report, December 1994.

35/ In the implementation of the "quick impact projects", UNHCR relied on 55 implementing partners, of which the majority were NGOs (including 10 national organizations).

36/ For instance, the return rate for Cabo Delgado was 90.2 per cent, Nampula 95.4 per cent and Zambesia 93 per cent.

37/ See United Nations Operation in Mozambique, Final Report, December 1994, p. 11.

38/ In addition, a commercial company, MINETECH, is clearing the power line from a power plant in Cahora Bassa in Tete province to the border with South Africa at Gaza.

39/ See inter alia articles 6 d, 66 and 67 of the Constitution.

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